

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 00-6390-CR-SEITZ

UNITED STATES OF AMERICA,

Plaintiff,

v.

DOREEN RUSSO,

Defendant.

NIGHT BOX
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CLARENCE MADDOX
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**GOVERNMENT'S RESPONSE TO DEFENDANT DOREEN RUSSO'S MOTION FOR
EARLY TERMINATION OF PROBATION**

Comes now the United States and hereby files its Response to Defendant Doreen Russo's Motion for Early Termination of Probation.

The defendant was sentenced to a three year probation term on July 31, 2004, for being an accessory after the fact to the fraudulent activities of her husband Joseph Russo. Doreen Russo assisted her husband Joseph Russo by transferring funds from a South Carolina fraud for the benefit of her husband Joseph Russo.

After the defendant was sentenced, her son Joseph Russo, Jr. was convicted of drug trafficking and related offenses. The defendant Doreen Russo relocated to Orlando, Florida to help care for her grandchildren.

As far as it is known to the United States, the defendant has complied with the conditions of her probation. However, it is well settled that "mere compliance with the terms of probation or

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supervised release is what is expected of probationers, and without more, is insufficient to justify early termination."

United States v. Caruso, 241 F.Supp.2d 466, 469 (D.N.J. 2003)

(collecting cases). As discussed below, the defendant has failed to demonstrate why her probation should be terminated early.

The defendant argues that her probation should be terminated early because of her increased family responsibilities. She asserts that she needs to care for ailing parents and the grand children of her son who was convicted of narcotics trafficking. These are insufficient reasons why her probation should be terminated early.

Significant family responsibilities are faced by many probationers. The defendant's responsibilities of family life are in no manner inconsistent with her continued supervision by the United States Probation Office. Indeed, the continued supervision of the defendant is prudent in light of her own past involvement in the criminal activities of her family members.

Consequently, the United States opposes the early termination of the defendant's probation and urges the Court to deny the motion of the defendant.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was mailed, this 18th day of November 2004, to:

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A handwritten signature in black ink, appearing to read "Michael J. Dittoe", is written over a horizontal line.

MICHAEL J. DITTOE
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